



SEALED

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FILED.

DATED: 4:54 pm, October 05, 2023

U.S. MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MARCUS KELLEY, and

DARYL CATRELL CALDWELL, JR.,

Defendants.

Case No.: 2:23-mj-00892-DJA

APPLICATION TO SEAL

COMES NOW the United States of America, by and through Jason M. Frierson, United States Attorney, and Allison Reese, Assistant United States Attorney, respectfully moves this Honorable Court for an Order sealing the Complaint, this Application and the Court's Sealing Order, in the above-captioned matter, until such time as this Honorable Court, or another Court of competent jurisdiction, shall order otherwise.

In this case, an order sealing the Complaint would be appropriate because the attached Complaint relates to an ongoing criminal investigation into violations of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2 – Illegal Acquisition of a Firearm; that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the

1 ongoing investigation. Accordingly, there is reason to believe that the disclosure of the
2 information contained within the Complaint will jeopardize the investigation, including by
3 giving the targets an opportunity to flee or continue flight from prosecution or change patterns of
4 behavior.

5 The Government further submits that it is necessary for the Complaint to be sealed in light
6 of the fact that the targets of this investigation utilize digital devices to conduct their illegal
7 activities. If the targets became aware of the investigation, they could delete and destroy evidence,
8 including but not limited to text messages, photographs, and social media account information
9 or messages received and sent over those platforms. Additionally, the Affidavit references the
10 targets illegal possession of multiple firearms and if alerted to the investigation they may try to
11 hide, dispose of, or destroy of the firearms and related paraphernalia such as ammunition or
12 magazines. Accordingly, there is reason to believe that notification of the existence of complaint
13 will seriously jeopardize the investigation, as noted previously, and would likely place law
14 enforcement at higher risk of confrontation when securing the arrest of the targets.

15 DATED: October 5, 2023.

16 Respectfully submitted,

17 JASON M. FRIERSON
18 United States Attorney

19 *Allison Reese*

20 ALLISON REESE
21 Assistant United States Attorney
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Defendants.

Case No.: 2:23-mj-00892-DJA

ORDER TO SEAL

Based on the pending Application of the Government, and good cause appearing therefor,
IT IS HEREBY ORDERED that the Complaint, the Government's Application, and this
Court's Sealing Order, in the above-captioned matter shall be sealed until further Order of the
Court.

DATED this 5th day of October, 2023.



HONORABLE DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE